



FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2007 OCT 26 PM 2:13

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK

MICHAEL N. MILBY
CLERK

POST OFFICE BOX 61010
HOUSTON, TEXAS 77208

DATE: October 19, 2007

TO: Clerk, U.S. District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

REDACTED

FROM: M. Lerma, Deputy Clerk

Case No. Cr H-07-935M

Your Case No. 07-04

USA vs Vanivan Deon Fuller

Enclosed please find all papers pursuant to Rule 5 of the Federal Rule of Criminal Procedure:

☒ File (including minutes, orders, etc.)

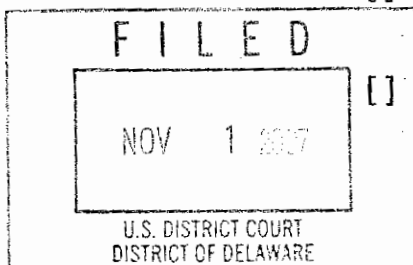
☒ Bonds (any cash deposit in the Registry will be forwarded under separate cover)

☐ Passports:

☐ Other:

☐ Please sign and return a copy of this form in the enclosed envelope.

Rec'd by: _____ Date _____



CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:07-mj-00935 All Defendants
Internal Use Only**

Case title: USA v. Fuller
Other court case number: 07-04 District of Delaware

Date Filed: 10/15/2007
Date Terminated: 10/22/2007

Assigned to: Magistrate Judge Stephen
Smith

Defendant

Vanivan Deon Fuller (1)
Bond: \$100,000 with \$1,500.00 deposit
TERMINATED: 10/22/2007

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints


None

Disposition

Plaintiff

USA

TRUE COPY I CERTIFY
ATTEST:
Michael N. Milby, Clerk of Court
By: Mercedes P. Lerma
Deputy Clerk

Date Filed	#	Docket Text
10/15/2007	 1	Copy of Sealed Indictment filed in the District of Delaware as to Vanivan Deon Fuller.; filed. (mlerma,) Modified on 10/16/2007 (mlerma,). Modified on 10/16/2007 (mlerma,). (Entered: 10/16/2007)

10/15/2007	2	Minute Entry for proceedings held before Judge Stephen Smith : INITIAL APPEARANCE as to Vanivan Deon Fuller, (Deft informed of rights) held on 10/15/2007. Appearances:K. Dies AUSA.(ERO:Yes) Deft remanded to USM, filed.(mlerma,) (Entered: 10/16/2007)
10/15/2007	3	ORDER OF TEMPORARY DETENTION PENDING Hearing as to Vanivan Deon Fuller (Signed by Judge Stephen Smith) Parties notified. (mlerma,) (Entered: 10/16/2007)
10/19/2007	4	Minute Entry for proceedings held before Judge Stephen Smith : DETENTION HEARING as to Vanivan Deon Fuller held on 10/19/2007 Appearances:K. Dies AUSA.R. Turner(ERO:Yes) Deft remanded to USM, filed.(mlerma,) (Entered: 10/22/2007)
10/19/2007	5	Secured Appearance Bond Entered as to Vanivan Deon Fuller in amount of \$ 100,000.00 with \$1,500.00 deposit,, filed. (mlerma,) Additional attachment(s) added on 10/22/2007 (mlerma,). (Entered: 10/22/2007)
10/19/2007	6	ORDER Setting Conditions of Release as to Vanivan Deon Fuller (1) \$100,000 with \$1,500.00 deposit (Signed by Judge Stephen Smith) Parties notified. (mlerma,) Additional attachment(s) added on 10/22/2007 (mlerma,). (Entered: 10/22/2007)
10/22/2007	7	RULE 5 Papers sent to District of Delaware, Wilmington Division as to Vanivan Deon Fuller, filed.(mlerma,) (Entered: 10/22/2007)
10/22/2007		(Court only) ***Case Terminated as to Vanivan Deon Fuller (mlerma,) (Entered: 10/22/2007)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

vs.

CRIMINAL NO. H- 07-935MVaniken Dean Fuller§
§
§
§
§OCT 19 2007
Michael N. Milby, Clerk of Court**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the release of the defendant is subject to the following conditions:

1. Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified):

_____	on	_____
Place		Date/Time
2. The defendant shall immediately advise the Court, defense counsel and the Pretrial Services Agency, in writing, of any change in address and telephone number.
3. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
4. The defendant shall not intimidate or attempt to intimidate a witness, juror or officer of the court (18 USC § 1503), obstruct a criminal investigation (18 USC § 1510), or tamper with or retaliate against a witness, victim or informant (18 USC §§ 1512 and 1513).

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

IT IS FURTHER ORDERED that the defendant be released provided that:

- ☒ 5. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☐ 6. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$_____ in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.
- ☐ The bond shall be signed by the following person(s) as surety:

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

TRUE COPY I CERTIFY
 ATTEST:
 Michael N. Milby, Clerk of Court
 By: Marcadee P. Lenna
 Deputy Clerk

- ☐ 7. The defendant is placed in the custody of:

(Name of person or organization)

(Address)

(City/State/Zip Code)

(Area Code/Telephone Number)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- ☒ 8. The defendant shall:

☒ a. Maintain employment at all times; if unemployed, actively seek employment.

☐ b. Maintain or commend an educational program.

☒ c. Abide by the following restrictions on place of abode or travel: **Southern District of Texas**
District of Delaware

☒ d. Avoid all contact with any alleged victim of the offense charged and with any potential witness who may testify concerning the offense, and not associate with any person engaging in criminal activities or who has been charged with or convicted of a felony offense, or who has been released on bail, probation or parole.

☒ e. Report on a regular basis to the U. S. Pretrial Services Agency - Phone: 713-250-5218.

☐ f. Comply with the following curfew:

☒ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.

☒ h. Refrain from excessive use of alcohol and any use or unlawful possession of a narcotic drug and other controlled substance (defined in 21 USC § 802) unless prescribed by a licensed medical practitioner.

☐ i. Participate in drug and alcohol screening and treatment as directed by Pretrial Services. The defendant will incur the costs associated with this condition based on the ability to pay as determined by the Pretrial Services Officer.

☐ ii. Undergo medical treatment or psychiatric treatment, including treatment for drug or alcohol dependency or substance abuse. Treatment will be at: _____

_____ as directed by Pretrial Services. Defendant shall remain in that institution if required for that purpose. The defendant will incur the costs associated with this condition based on the ability to pay as determined by the Pretrial Services Officer.

☒ j. Execute an appearance bond in the amount of \$ 100,000.00. There will be deposited in the registry of the Court the sum of \$ 1,500.00. This deposit will be returned to the depositor upon the Court's determination that the defendant has performed the conditions of his release.

☒ The bond shall be signed by the following person(s) as surety:

Mohr

☐ k. The defendant will execute an appearance bond in the amount of \$ _____, secured by joinder of a corporate surety, duly authorized as an acceptable surety on federal bonds.

☐ l. Surrender any passport to the Clerk and/or ☒ obtain no other passport.

☒ m. Electronic Monitoring. The defendant is restricted to his or her place of residence continuously, except for absences authorized by the Pretrial Services Officer. The Pretrial Services Officer may approve absences for gainful employment, religious services, medical care, education or training programs, and at other time as may be specifically authorized by the Pretrial Services Officer. Electronic monitoring may be used to monitor compliance with this condition; however, alternative means of surveillance may be used that will ensure compliance with this special condition. If electronic monitoring is used, the defendant will incur costs associated with such monitoring, based on ability to pay as determined by the Pretrial Services Officer.

☒ n. Special conditions:

reside with wife; wife's firearms to be placed
outside of home.

Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC § 3148, and a prosecution for contempt as provided in 18 USC § 401 which could result in a possible term of imprisonment or fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony, or to a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself. 18 USC § 3147.

18 USC § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC § 1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 USC § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 USC § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sending, surrender for the service of a sentence, or appeal or certiorari after conviction for:

☐ 1. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;

- ☐ 2. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- ☐ 3. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- ☐ 4. a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case, and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Vannin Fuller

Signature of Defendant

Address

Missouri City, TX 77488

City/State/Zip Code

Telephone Number

Direction to United States Marshal

- ☐ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: October 19, 2007

Stephen Wm. Smith

Stephen Wm. Smith
United States Magistrate Judge

4-585977

11/01/07

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

4:07-MJ-935-01

UNITED STATES OF AMERICA

§

Crim No. 4:07MJ935

vs.

§

§

Pending in SDTX

§

(District)

§

Houston, Texas

VANIVAN DEON FULLER

§

(Division - City/State)

Bond Set: \$100,000.00

Deposit: \$1,500.00

AFFIDAVIT OF OWNERSHIP
OF SECURITY FOR APPEARANCE

I, Patricia Edwards, on oath declare that I am the (owner)
(agent for owner) of the \$ 1,500.00 (Cashier's Check/Money Order No. 702645667
drawn on Washington Mutual [Bank]) deposited
as security on the appearance bond set for the defendant named above, and that said deposit is to be
returned to the owner at the address listed below upon conclusion of this cause of action:

Patricia Edwards
Name of Owner

Houston, TX 77048
Street or P.O. Box No.
City, State, Zip Code

I, as owner/agent for owner, subject said funds to the provisions of Local Rule 16 and consent and agree
that should the defendant fail to abide by the conditions of release imposed by the Court, the Court may,
upon notice to me of not less than 10 days, proceed to have said funds forfeited.

Pat Edwards
Signature

Address if Different from above

SWORN TO AND SUBSCRIBED BEFORE ME on 10-19-07

MICHAEL N. MILBY, CLERK

By [Signature]
Deputy Clerk

Fri Oct 19 14:48:47 2007

UNITED STATES DISTRICT COURT

HOUSTON , TX

Receipt No. 4 585977
Cashier earlinej

Tender Type CHECK

Check Number: 7826455667

Transaction Type C

Case No./Def No. 4:07-MJ-935-01/

DO Code Div No Acct
4679 4 604700

Amount \$ 1500.00

R; BAIL BOND PD FOR VANIVAN DEON FULLE
PD BY PATRICIA EDWARD

CM

AO 98 (Rev. 12/03) Appearance Bond

UNITED STATES DISTRICT COURT

SOUTHERN

District of

TEXAS

UNITED STATES OF AMERICA

V.

APPEARANCE BOND

Michael N. Milby, Clerk of Court

OCT 19 2007

Vanivan Dean Fuller
Defendant

Case Number:

H-07-435M

☐ Non-surety: I, the undersigned defendant acknowledge that I and my ...☒ Surety: We, the undersigned, jointly and severally acknowledge that we and our ...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of

\$ 100,000.00, and there has been deposited in the Registry of the Court the sum of\$ 1,500.00 in cash or _____ (describe other security.)

The conditions of this bond are that the defendant

Vanivan Dean Fuller
(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on

10-19-07

at

Houston, Texas

Defendant

Surety

Surety

Date

Address

Address

Address

Signed and acknowledged before me

Date

10-19-07

Judge/Clerk

Approved

Steph L. Smith

TRUE COPY I CERTIFY

ATTEST:

Michael N. Milby, Clerk of Court

By: Mercades P. Genna
Deputy Clerk

COURTROOM MINUTES:

☐ INITIAL APPEARANCE
☐ BOND HEARING
☒ DETENTION HEARING
☐ COUNSEL DETERMINATION HEARING
☐ HEARING CONTINUED ON _____

☒ IDENTITY
☐ PRELIMINARY HEARING
☐ STATUS HEARING

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

FILED

11-19-07

MICHAEL N. MILBY, Clerk

OPEN: 10:20 ADJOURN: 11:36

11:45 - 12:21

Case No. 12135-12150

THE HONORABLE STEPHEN WM. SMITH, Presiding
Deputy Clerk: Jason Marchand

ERO/Tape No: _____

☐ Other District ☐ Division
INTERPRETER PRESENT ☒ No ☐ Yes

CRIMINAL NO. 07-938 M

DEFT No. 1

USDJ _____

UNITED STATES OF AMERICA

vs

Vanivan Dean Fuller

Ken Dies

AUSA

Robert Turner

R

Counsel for Defendants Appt - (A), Retd - (R), FPD - (F)

Date of arrest: _____

Deft first appearance. Deft advised of rights/charges ☐ Violation of ☐ Supervised Release/ ☐ Probation
☒ Deft ☐ MW appeared ☒ with ☐ without counsel.

Requests appointed counsel. FINANCIAL AFFIDAVIT executed and sworn.

Order appointing Federal Public Defender.

Order for Partial Reimbursement

Private Counsel appointed. _____

Deft advises he will retain counsel. He retained

Bond ☒ set \$ 100,000.00 ☐ Cash ☒ Surety ☐ 10% ☐ PR for ☐ UnsecuredSurety signatures required mother

No bond set at this time, 10 day DETENTION ORDER entered.

ORDER OF TEMPORARY DETENTION PENDING HEARING entered.

ORDER OF DETENTION PENDING TRIAL entered.

Deft advised of conditions of release.

BOND EXECUTED, ☐ BOND CONTINUED (☐ State Authorities, ☐ INS)☒ Deft ☐ MW REMANDED to CUSTODY.

Deft ORDERED REMOVED to Originating District.

WAIVER of ☐ Preliminary WAIVER of ☐ Detention ☐ Waiver of Rule 5 Hearings (out of District)Court finds PROBABLE CAUSE ☐ ID ☐ PC.

Arraignment set _____

Detention Hearing set _____

Preliminary set _____

Bond Hearing set _____

Counsel Determination Hearing set _____

Identity/Removal Hearing set _____

Hearing set _____

Deft failed to appear. Oral ORDER for ISSUANCE OF BENCH WARRANT. Bond FORFEITED.

OTHER PROCEEDINGS/COMMENTS:

COPY I CERTIFY
ATTEST:

Michael N. Milby, Clerk of Court

By: Mercedes P. Lerma

Deputy Clerk

AO 470 (Rev. 12/03) Order of Temporary Detention

UNITED STATES DISTRICT COURT

SOUTHERN

District of

TEXAS

UNITED STATES OF AMERICA

V.

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT TO
BAIL REFORM ACT

Vanivan Dean Fuller
Defendant

Case Number: 4-07-935M

Upon motion of the GOVERNMENT, it is ORDERED that a

detention hearing is set for

10/19/07
Date

* at

10 am

Time

before

JUDGE STEPHEN WM. SMITH

Name of Judicial Officer

Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal)

() and produced for the hearing.
Other Custodial Official

Date:

October 19, 2007

[Signature]
Judge

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. § 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

ATTEST:
Michael N. Milby, Clerk of Court

By: Mercedes P. Hanna

Deputy Clerk

COURTROOM MINUTES:

☒ INITIAL APPEARANCE ☐ IDENTITY
☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ STATUS HEARING
☐ COUNSEL DETERMINATION HEARING
☐ HEARING CONTINUED ON _____

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

FILED

10-15-07

MICHAEL N. MILBY, Clerk

THE HONORABLE STEPHEN WM. SMITH, Presiding
Deputy Clerk: Jason Marchand

OPEN: 2:18 ADJOURN: 2:27

ERO/Tape No: P. Williams

Other District ☐ Division DelawareINTERPRETER PRESENT ☒ No ☐ Yes

Case No. 07-04

CRIMINAL NO. 07-935M DEPT No. 1 USDJ

UNITED STATES OF AMERICA

vs

Vaniver Dean Fuller

§
§
§
§
§
§
§

Ken Dies

AUSA

Counsel for Defendants Appt - (A), Retd - (R), FPD - (F)

Date of arrest: 10-15-07

Deft first appearance. Deft advised of rights/charges ☐ Violation of ☐ Supervised Release/ ☐ Probation☒ Deft ☐ MW appeared ☐ with ☒ without counsel.

Requests appointed counsel. FINANCIAL AFFIDAVIT executed and sworn.

Order appointing Federal Public Defender.

Order for Partial Reimbursement

Private Counsel appointed.

Deft advises he will retain counsel. He retained Chris Floud

Bond ☐ set \$ ☐ Cash ☐ Surety ☐ 10% ☐ PR for ☐ Unsecured

Surety signatures required

No bond set at this time, 10 day DETENTION ORDER entered.

ORDER OF TEMPORARY DETENTION PENDING HEARING entered.

ORDER OF DETENTION PENDING TRIAL entered.

Deft advised of conditions of release.

BOND EXECUTED, ☐ BOND CONTINUED (☐ State Authorities, ☐ INS)☒ Deft ☐ MW REMANDED to CUSTODY.

Deft ORDERED REMOVED to Originating District.

WAIVER of ☐ Preliminary WAIVER of ☐ Detention ☐ Waiver of Rule 5 Hearings (out of District)Court finds PROBABLE CAUSE ☐ ID ☐ PC.Arraignment set ☒

Detention Hearing set 10/19 @ 10 am

Preliminary set ☐

Bond Hearing set 10/19 @ 10 am

Counsel Determination Hearing set 10/18 @ 10 am

Identity/Removal Hearing set 10/19 @ 10 am

Hearing set

Deft failed to appear. Oral ORDER for ISSUANCE OF BENCH WARRANT. Bond FORFEITED.

OTHER PROCEEDINGS/COMMENTS: